

SENATE BILL NO. 122

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Pre-filed December 3, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0329S.01I

AN ACT

To amend chapter 194, RSMo, by adding thereto one new section relating to a health care directives registry.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 194, RSMo, is amended by adding thereto one new
2 section, to be known as section 194.600, to read as follows:

194.600. 1. As used in this section, the following terms mean:

2 **(1) "Adult", an individual who is eighteen years of age or older;**

3 **(2) "Advance health care directive", a power of attorney for**
4 **health care or a declaration signed or authorized by an adult,**
5 **containing the person's direction concerning a health care decision;**

6 **(3) "Declaration", a record, including but not limited to a living**
7 **will, an intent to donate an anatomical gift pursuant to the uniform**
8 **anatomical gift act under sections 194.210 to 194.294, or a do-not-**
9 **resuscitate order, signed by an adult specifying the circumstances**
10 **under which a life support system may be withheld or withdrawn;**

11 **(4) "Department", the department of health and senior services;**

12 **(5) "Health care decision", any decision regarding the health care**
13 **of the person.**

14 **2. Subject to appropriations, the department shall establish or**
15 **contract for the establishment of a secure online central registry for**
16 **citizens to store advance health care directives and to give authorized**
17 **health care providers access to such directives.**

18 **3. An adult declarant may submit an advance health care**
19 **directive or declaration and the revocations of such documents to the**
20 **department for filing in the "Advance Health Care Directive Registry"**
21 **established under this section.**

22 **4. Any document and any revocation of a document submitted for**

23 filing in the registry shall be notarized regardless of whether
24 notarization is required for its validity. The document may be
25 submitted for filing only by the person who executed the document, and
26 shall be accompanied by a fee not to exceed ten dollars as required by
27 the department.

28 5. All data and information contained in the registry shall
29 remain confidential and shall be exempt from the provisions of chapter
30 610.

31 6. The department shall promulgate rules to carry out the
32 provisions of this section which shall include, but not be limited to:

33 (1) A determination of who may access the registry, including
34 physicians, other licensed health care providers, the declarant, and his
35 or her legal representative or designee;

36 (2) A process for directing the declarant submitting a declaration
37 of an anatomical gift to follow the procedures under the uniform
38 anatomical gift act under sections 194.210 to 194.294;

39 (3) A means of annually reminding registry users of which
40 documents they have registered; and

41 (4) Fees for filing a document with the registry.

42 7. Any rule or portion of a rule, as that term is defined in section
43 536.010, that is created under the authority delegated in this section
44 shall become effective only if it complies with and is subject to all of
45 the provisions of chapter 536, and, if applicable, section 536.028. This
46 section and chapter 536, are nonseverable and if any of the powers
47 vested with the general assembly pursuant to chapter 536, to review, to
48 delay the effective date, or to disapprove and annul a rule are
49 subsequently held unconstitutional, then the grant of rulemaking
50 authority and any rule proposed or adopted after August 28, 2015, shall
51 be invalid and void.

52 8. Failure to register a document with the registry maintained
53 by the department under this section shall not affect the document's
54 validity. Failure to notify the department of the revocation of a
55 document filed with the registry shall not affect the validity of a
56 revocation that meets the statutory requirements for the revocation to
57 be valid.